

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID WILLIAM RICARDEZ,

Plaintiff,

v.

DAVID EDWARDS,

Defendant.

CASE NO. 3:21-cv-05526-DGE

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING PLAINTIFF'S
COMPLAINT

On July 21, 2021, Petitioner, then in custody at Grays Harbor County Jail, filed a proposed § 2241 petition for writ of habeas corpus; Petitioner did not apply to proceed in forma pauperis ("IFP") and did not pay the filing fee. (Dkt. No. 1). On July 22, 2021, the Court mailed Petitioner a letter informing him that to proceed with his habeas action, he would need to pay the filing fee or apply for IFP status. (Dkt. No. 3). On August 3, 2021, the letter was returned as undeliverable. (Dkt. No. 4).

Pursuant to Local Civil Rule 41(b)(2), Petitioner is required to keep the Court and opposing parties advised as to his current address. "If mail directed to a pro se plaintiff by the

1 clerk is returned by the Postal Service, . . . and if such plaintiff fails to notify the court and
2 opposing parties within 60 days thereafter of his or her current mailing . . . address, the court
3 may dismiss the action without prejudice for failure to prosecute.” Local CR 41(b)(2).

4 On October 25, 2021, United States Magistrate Judge Kate Vaughan, finding that more
5 than 60 days elapsed since the Court’s letter to Petitioner was returned by the Postal Service as
6 undeliverable, and noting Petitioner’s failure to keep the Court and Respondents apprised of his
7 current mailing address, issued a report and recommendation (“R&R”) recommending dismissal
8 of this action without prejudice for failure to prosecute. (Dkt. No. 6).

9 Since Judge Vaughan issued her R&R, two additional pieces of mail have been returned
10 by the Postal Service as undeliverable, and Petitioner has not updated the Court concerning his
11 current address or objected to Judge Vaughan’s R&R. (Dkt. Nos. 7, 8).

12 Having reviewed the Report and Recommendation of the Honorable S. Kate Vaughan,
13 United States Magistrate Judge, any objections or responses, and the remaining record, the Court
14 finds and ORDERS:

15 (1) The Court ADOPTS the Report and Recommendation;

16 (2) Petitioner’s 28 U.S.C. § 2241 petition for writ of habeas corpus is DISMISSED
17 without prejudice under Local Civil Rule 41(b)(2) for failure to prosecute; and

18 (3) The Clerk is directed to send copies of this Order to the parties and to Judge Vaughan.

19 Dated this 30th day of November, 2021.

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22 David G. Estudillo
23 United States District Judge
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